

PAUL V. SIMPSON, BAR NO. 83878  
psimpson@sgijlaw.com  
 ROBERT J. WENBOURNE, BAR NO. 132582  
rwenbourne@sgijlaw.com  
 SIMPSON, GARRITY, INNES & JACUZZI  
 Professional Corporation  
 601 Gateway Boulevard, Suite 950  
 South San Francisco, CA 94080  
 Telephone: (650) 615-4860  
 Fax: (650) 615-4861  
 Attorneys for Defendant ZOLMAN CONSTRUCTION  
 AND DEVELOPMENT, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as )	Case No. CV-09-0703 SI
Trustees of the LABORERS HEALTH AND )	
WELFARE TRUST FUND FOR NORTHERN )	<b>STIPULATION AND ORDER TO</b>
CALIFORNIA; LABORERS VACATION- )	<b>VACATE DEFAULT AGAINST</b>
HOLIDAY TRUST FUND FOR NORTHERN )	<b>DEFENDANT ZOLMAN</b>
CALIFORNIA; LABORERS PENSION TRUST )	<b>CONSTRUCTION AND</b>
FUND FOR NORTHERN CALIFORNIA; and )	<b>DEVELOPMENT, INC.</b>
LABORERS TRAINING AND RETRAINING )	
TRUST FUND FOR NORTHERN CALIFORNIA, )	
Plaintiffs, )	Complaint Filed: February 18, 2009
v. )	
ZOLMAN CONSTRUCTION AND )	
DEVELOPMENT, INC., a California Corporation )	
Defendants. )	

IT IS HEREBY STIPULATED by and between the parties hereto, through their respective attorneys of record, that the default entered April 24, 2009, in the above-captioned case be vacated and that Defendant Zolman Construction and Development, Inc. be granted 60 days from the date of filing this action, or until May 11, 2009 to file a responsive pleading.

The parties stipulate that the following factors warrant this relief:


1 Plaintiff filed this action February 18, 2009;  
2 Plaintiff served the Complaint on or about March 11, 2009;  
3 Defendant failed to file a responsive pleading within the time permitted by law;  
4 The Court entered default in the matter on April 24, 2009;  
5 Plaintiff consulted with and retained counsel for this action on or about April 27, 2009; and  
6 Counsel for the Parties discussed the issues on April 28, 2009, and Plaintiff's counsel  
7 agreed to vacating the default and permitting Defendant an extension of time in which to respond  
8 to the Complaint.

9 THEREFORE, THE PARTIES IN THE ABOVE-ENTITLED ACTION HEREBY  
10 STIPULATE AND AGREE:

- 11 1. That the Default entered April 24, 2009 be vacated; and  
12 2. That Defendant be granted until May 11, 2009 in which to file a responsive  
13 pleading to the Complaint.

14 Date: May 4, 2009

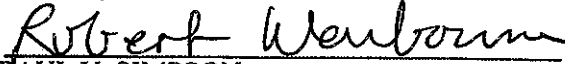
WEINBERG, ROGER & ROSENFELD

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16 By:   
17 Concepción E. Lozano-Batista  
Attorneys for Plaintiffs

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19 Date: May 4, 2009

Respectfully submitted,

20 SIMPSON, GARRITY, INNES & JACUZZI  
21 Professional Corporation

22 By:   
23 PAUL V. SIMPSON  
24 ROBERT J. WENBOURNE  
Attorneys for Defendant  
25 ZOLMAN CONSTRUCTION AND  
26 DEVELOPMENT, INC.  
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**ORDER**

Based on the stipulation of counsel, and good cause having been shown, the Court here by makes the following orders in this action:

1. That the Default entered April 24, 2009 be and hereby is VACATED; and
2. That Defendant be and hereby is GRANTED until May 11, 2009 in which to file a responsive pleading to the Complaint.

IT IS SO ORDERED.

Date: \_\_\_\_\_, 2009



HON.  
JUDGE, UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF CALIFORNIA